



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

March 21, 2014

Sent by Email and First-Class Mail

Mr. Mark Weatherston
Fuels Manager
San Miguel Electric Cooperative, Inc. (SMECI)
P.O. Box 280
Jourdanton, Texas 78026

RE: San Miguel Electric Cooperative, Inc.
San Miguel Lignite Mine, Permit No. 11G
Revision No. 1
Postmine Land Use

Dear Mr. Weatherston:

Review of Revision No. 1, submitted by letter dated November 12, 2013, has been completed. The application was supplemented by letter dated February 13, 2014, in response to my December 20, 2013, comment letter. A \$500 revision-application filing fee was provided with the application. The application is considered complete and is accepted for filing.

SMECI proposes a revision to the postmine land-use plan to change some areas of approved postmine pastureland to industrial/commercial land use to account for more recent oil and gas development.

SMECI has provided the information necessary to demonstrate compliance with applicable portions of §§12.147 and 12.399 for its proposed postmine land-use plan. This application does not constitute a significant change to the approved reclamation plan in accordance with §12.226. The revised postmine land-use plan is approved and your permit is revised accordingly.

Staff's review of your submittal is described in the enclosed memorandum. If you have any questions, please do not hesitate to call me or Shane Rotter, Staff reviewer for this revision application.

Sincerely,

A handwritten signature in black ink that reads "John E. Caudle".

John E. Caudle, Director
Surface Mining and Reclamation Division


JEC/SHR
Enclosure
File Ref. No. 1331702





RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

MEMORANDUM

TO: John E. Caudle, P.E., Director 

THRU: Travis L. Wootton, Manager, Applications and Permits 
Timothy G. Walter, P.G., Advising Hydrogeologist 

FROM: Shane Rotter, Natural Resources Specialist

SUBJECT: San Miguel Electric Cooperative, Inc.
San Miguel Lignite Mine, Permit No. 11G
Revision No. 1
Postmine Land Use

DATE: March 21, 2014

INTRODUCTION

SMECI submitted the application for Revision No. 1 by letter dated November 12, 2013, accompanied by a \$500 permit revision application fee. SMECI submitted a supplement to this application by letter dated February 13, 2014, in response to Staff's December 20, 2013, comment letter. Below is a summary of the application and my technical review.

PROPOSAL SUMMARY

1. SMECI proposes to change areas of pastureland land use to Industrial/Commercial (I/C) land use to account for areas of oil and gas well activity within the approved permit boundary.
2. SMECI provided revised Table 147-1, *Comparison of Pre and Postmining Land Uses of Disturbed Land*, and revised Exhibit 147-1, Sheet 1 of 1, *Conceptual Postmine Land Use*, both certified on January 30, 2014, by Dennis Hill, P.E. The revised table and exhibit were provided in response to Staff's December 20, 2013, comment letter and are intended to replace the table and exhibit of the same name contained in the approved permit. SMECI also provided revised Table 135-1, Sheet 1 of 1, *Premine Land Use, Updated for Permit 11G*, in response to Staff's December 20, 2013, letter.
3. Proposed revised Exhibit 147-1, Sheet 1 of 1, contains depictions of postmine contours, tract numbers, undisturbed areas and postmine land uses for past and projected areas of disturbance.
4. Table 147-1 contains the following acreage tabulation for SMECI's proposed revised postmine land-use plan:

Land Use	Postmine Area (Acres)	% of Mine Area
Pastureland	7,678	69.85%
Grazingland	0	0.00%
Forestry	0	0.00%
Fish and Wildlife Habitat	0	0.00%
Cropland	0	0.00%
Developed Water Resources	436	3.97%
Industrial/Commercial	2,878	26.18%
Residential	0	0.00%
Undeveloped	0	0.00%
Totals	10,992	100.00%

5. A signed consultation letter was provided for land tracts affected in this revision which are owned by A.M. Peeler, Jr.
6. SMECI does not otherwise propose to revise its approved postmine land-use plan.

TECHNICAL REVIEW SUMMARY

1. SMECI's proposed Revision No. 1 postmine land-use plan in Table 147-1, when compared with the approved plan in Permit No. 11G, represents no increase in overall acreage. The individual acreage changes for each land use are outlined in the table below:

Land Use	Approved Area (acres)	Proposed Area (acres)	Area Difference (acres)
Pastureland	7,758	7,678	-80
Grazingland	0	0	0
Forestry	0	0	0
Fish and Wildlife Habitat	0	0	0
Cropland	0	0	0
Developed Water Resources	435	436	1
Industrial/Commercial	2,799	2,878	79
Residential	0	0	0
Undeveloped	0	0	0
Total	10,992	10,992	0


2. No landowner consultation was necessary for the proposed land use changes to I/C on tracts affected in this revision which are owned by SMECI. Those tracts affected by this revision which are not owned by SMECI are otherwise owned by A.M. Peeler in their entirety. SMECI provided the necessary consultation letter for these tracts in its submittal.

3. The proposed postmine land-use map, Exhibit 147-1, Sheet 1 of 1, and Table 147-1 are certified by Dennis Hill, a professional engineer, as required by §§12.147(b) and 12.399(c)(5).
4. SMECI indicated that there was a one-acre increase in the developed water resources (DWR) land-use category. A comparison of approved Exhibit 147-1 to proposed Exhibit 147-1 shows no measurable differences. Therefore, it appears that the reported one-acre change in DWR may be the result of minor area adjustments to ponds accentuated by rounding to the nearest acre, yielding a cumulative effect on the total calculated acreage in individual land-use categories. The individual adjustments have still resulted in equal total approved and proposed acreages (10,992 acres). Staff believes that SMECI should consider reporting its acreages to at least the 1/10th acre to facilitate greater precision in the acreage accounting for the individual land-use categories. This would also then be consistent with SMECI's annual bonded acreage reporting on its Form SMRD-52C.
5. Proposed Table 135-1, Sheet 1 of 1, accurately reflects the approved disturbance boundary and associated premine land uses that correspond with the premine acreages also listed in proposed Table 147-1.
6. All areas within the revised postmine land-use plan are currently bonded. The area of proposed revised postmine land uses is not located within an area designated unsuitable for mining, is more than 100 ft from any cemetery, and is located outside of the 300-ft buffer from the nearest school, church, public park, or occupied dwelling. The area containing the proposed postmine land-use changes will not affect any site that is listed, eligible, or undetermined as eligible for listing on the National Register of Historic Places and will have no effect on public-road buffer zones.
7. SMECI does not propose to revise the approved \$70,000,000 bond for Permit No. 11G, and no change is needed to support the postmine land-use changes proposed in this revision.

CONCLUSION AND RECOMMENDATIONS

SMECI's postmine land-use plan in Table 147-1 and on Exhibit 147-1, Sheet 1 of 1, meets the requirements of §§12.147(a)(3), 12.147(b), and 12.399(c). The changes proposed in Revision No. 1 do not constitute a significant change in the approved surface mining and reclamation operations. SMECI's Exhibit 135-1, Sheet 1 of 1, adequately depicts the premine land use within the approved disturbance boundary. I recommend approval of Revision No. 1 as proposed.

Staff recommends that for future reporting SMECI should consider providing acreages for each land-use category to at least the 1/10th acre to facilitate precision in the reporting and accounting of the various land-use acreages.


for Shane Rotter



SAN MIGUEL ELECTRIC COOPERATIVE, INC.

February 13, 2014

Mr. John Caudle, Director
Railroad Commission of Texas
Surface Mining and Reclamation Division
P. O. Box 12967
Austin, Texas 78711-2967

Railroad Commission
of Texas
RECEIVED

**RE: San Miguel Lignite Mine, Permit 11G
Revision No. 1, Postmine Land Use Change
Response to Comments
File No. 1331702**

FEB 20 2014

Surface Mining Division

Dear Mr. Caudle:

In response to Staff's December 20, 2013 letter, SMECI has revised the disturbance boundary on Exhibit 135-1, the Premine Land Use Map, and Exhibit 147-1, the Postmine Land Use Map. Also included is a Table 147-1, which has been updated to reflect the changes in acreages for the premine and postmine land use categories, and a CD with the electronic files.

Please feel free to call me at 830.784.3411 ext. 204 if you have any questions or require additional information.

Sincerely,

Mark Weatherston
Fuels Manager

Attachments

CC: Mike Kezar w/out attachment
Reader File
Reclamation
Kiewit

ENGINEERING CERTIFICATION

I, Dennis Wade Hill, a licensed professional engineer in the State of Texas, do hereby certify that the proposed postmine landuse revision for the San Miguel Lignite Mine, Permit 11G and associated table were prepared under my direct supervision, and to the best of my knowledge and belief are true and correct and comply with the requirements of §12.147 of the Coal Mining Regulations of the Railroad Commission of Texas.

Railroad Commission
of Texas
RECEIVED

FEB 20 2014

Surface Mining Division



Dennis Wade Hill

Dennis Wade Hill
P.E. No. 84679

Date 1/30/14

Table 147-1
Permit 11G
Comparison of Pre and Postmining Land Uses of Disturbed Land

<u>Land Use</u>	<u>Acres</u>	<u>Percent</u>	<u>Acres</u>	<u>Percent</u>
Grazingland	10,847	98.7	0	0.0
Pastureland	53	0.5	7,678	69.8
I/C	5	<0.1	2,878	26.2
DWR	86	0.8	436	4.0
Residential	1	<0.1	0	0
Totals	10,992	100	10,992	100

OVERSIZED MAP PLACE MARKER



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

December 20, 2013

Sent by Email and First-Class Mail

Mr. Mark Weatherston
Fuels Manager
San Miguel Electric Cooperative, Inc. (SMECI)
P.O. Box 280
Jourdanton, Texas 78026

RE: San Miguel Electric Cooperative, Inc.
San Miguel Lignite Mine, Permit No. 11G
Revision No. 1
Postmine Land Use

Dear Mr. Weatherston:

Initial review of Revision No. 1 has been completed. This application contains a postmine land-use change that includes revised Table 147-1 and revised Exhibit 147-1, *Conceptual Postmine Land Use*. This application was submitted to account for changes to industrial/commercial (I/C) land use in several areas at the San Miguel Lignite Mine, Permit No. 11G. A \$500 revision-application filing fee was provided with the submittal.

In accordance with Chapter 134 of the TEXAS NAT. RES. CODE, Section 134.085(g), the deadline for Staff's review is 90 days after receipt of the complete application. I have determined that the application is deficient, as described in the following comment, and the 90-day administrative review period for this application is tolled to allow SMECI an opportunity to provide responses to this concern. After we receive your response to this comment, we will have 53 days to complete our review of the application.

- It appears that SMECI is using an outdated postmine disturbance acreage of 10,978.0 acres in Revision No. 1. SMECI must update its postmine disturbance acreage to correspond with the total acreage reflected in the approved permit and then rectify any discrepancies between it and its premine disturbance boundary acreage in Table 147-1 in addition to any newly proposed changes in Revision No. 1.

Do not hesitate to contact Shane Rotter, Project Coordinator, should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John E. Caudle".

John E. Caudle, Director
Surface Mining and Reclamation Division

JEC/SHR/ecd
Enclosure
File Reference No. 1331702



SAN MIGUEL ELECTRIC COOPERATIVE, INC.

3083934

SK

November 12, 2013

Mr. John Caudle, Director
Railroad Commission of Texas
Surface Mining and Reclamation Division
Capital Station, P.O. Box 12967
Austin, Texas 78711-2967

Railroad Commission
of Texas
RECEIVED

NOV 13 2013

**Re: San Miguel Lignite Mine, Permit No. 11G
Revision No. 1, Postmine Land Use Change**

Surface Mining Division

Dear Mr. Caudle:

San Miguel Electric Cooperative, Inc. (SMECI) is submitting three hard copies and one digital copy of the above referenced Permit 11G, Revision No. 1. Due to extensive oil and gas well activities within the permit area, this revision was necessary to change the postmine land use in the affected areas from Pastureland to Industrial/Commercial (I/C).

Enclosed in this submittal is a revised Table 147-1 of Permit 11G, Exhibit 147-1, and copies of a consultation letter received from one of the surface owners affected by this revision. Please note that SMECI is the owner of a portion of the affected property, therefore a consultation letter is not required for this property.

A check for \$500 is enclosed for this permitting action. If you have any questions or concerns, or if you require any additional information, please do not hesitate to call me at (830) 784-3408.

Sincerely,

Cody Shelton
Reclamation Supervisor

Attachments

cc: Mike Kezar
Mark Weatherston
Brady West
Reclamation
Reader File

File Ref. No. _____

Fee _____

(for official use only)

SMRD-2C

03/03/03

RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

Application for Nonsignificant Revision to Coal Mining Operations Permit

3083934

Complete all applicable portions. Please submit three (3) copies of your application on standard size paper (8 1/2" x 11", except for maps) to the Director of the Surface Mining and Reclamation Division. See *Texas Coal Mining Regulations* and the *Texas Surface Coal Mining and Reclamation Act* for information.

Name of Applicant: **San Miguel Electric Cooperative, Inc.**Name of Mining Operation: **San Miguel Lignite Mine** Permit No. **11G**Permanent Mailing Address: **P.O. Box 280**

Street or P O Box

Jourdanton,

City

TX

State

78026

Zip Code

Contact Person

Cody Shelton Telephone: **830.784.3408**

Revision Description

Postmine Land Use Change to Industrial/Commercial

Type of Revision [check appropriate box(s)]

Administrative ☐ Operation Plan ☐ Reclamation Plan ☒ Incidental Boundary Revision ☐

Section of Permit to be Revised [check appropriate box(s)]

Legal, Financial and Compliance-Related Info (Administrative Information):

Right of Entry/Property	§§12.116, 12.117	<input type="checkbox"/>	Other Permits	§12.121	<input type="checkbox"/>
Ownership and Control	§12.116	<input type="checkbox"/>	Cultural Resources	§§12.125(2), 12.151	<input type="checkbox"/>
Insurance	§12.120	<input type="checkbox"/>			

Environmental Resources:

Geology/Overburden Data	§12.127	<input type="checkbox"/>	Soils	§12.134	<input type="checkbox"/>
Ground Water	§§12.128, 12.130	<input type="checkbox"/>	Land Use	§12.135	<input type="checkbox"/>
Surface Water	§§12.129, 12.130	<input type="checkbox"/>	Map/Sections/Plans	§§12.136, 12.137	<input type="checkbox"/>
Vegetation	§12.132	<input type="checkbox"/>	Prime Farmland	§12.138	<input type="checkbox"/>
Fish and Wildlife Resources	§12.133	<input type="checkbox"/>			

Operation Plan:

Mine Plan	§12.139	<input type="checkbox"/>	Maps and Plans	§12.142	<input type="checkbox"/>
Blasting	§12.141	<input type="checkbox"/>	Air Pollution Control Plan	§12.143	<input type="checkbox"/>

Reclamation Plan:

Fish & Wildlife Plan	§12.144	<input type="checkbox"/>	Ponds	§12.148	
Reclamation Timetable	§12.145(b)(1)	<input type="checkbox"/>	Temporary Impoundment		<input type="checkbox"/>
Reclamation Cost Estimate	§12.145(b)(2)	<input type="checkbox"/>	Temporary Sediment Pond		<input type="checkbox"/>
Backfilling and Grading	§12.145(b)(3)	<input type="checkbox"/>	Permanent Sediment Pond		<input type="checkbox"/>
Topsoil Handling	§12.145(b)(4)	<input type="checkbox"/>	Permanent Impoundment		<input type="checkbox"/>
Revegetation Plan	§12.145(b)(5)(A-F)	<input type="checkbox"/>	Fresh Water Diversion		<input type="checkbox"/>
Soil Monitoring Plan	§12.145(b)(5)(G)	<input type="checkbox"/>	Disturbed Water Diversion		<input type="checkbox"/>
Conservation of Coal	§12.145(b)(6)	<input type="checkbox"/>	Mining Near Underground Mining	§12.149	<input type="checkbox"/>
AFM/TFM Handling Plan	§12.145(b)(7)	<input type="checkbox"/>	Stream Diversions	§12.150	<input type="checkbox"/>
Well/Hole Plugging	§12.145(b)(8)	<input type="checkbox"/>	Relocation/Closure of Public Roads	§12.152	<input type="checkbox"/>
Hydrologic Reclamation Plan	§12.146(a)	<input type="checkbox"/>	Road Systems	§12.154	
Long-Term Ground-Water Monitoring	§12.146(b)	<input type="checkbox"/>	Temporary Ancillary Road		<input type="checkbox"/>
Long-Term Surface-Water Monitoring	§12.146(c)	<input type="checkbox"/>	Temporary Primary Road		<input type="checkbox"/>
Probable Hydrologic Consequences	§12.146(d)	<input type="checkbox"/>	Permanent Primary Road		<input type="checkbox"/>
Postmine Land Use	§12.147	<input checked="" type="checkbox"/>			

Railroad Commission
of Texas
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NOV 13 2013
Surface Mining Division



SAN MIGUEL ELECTRIC COOPERATIVE, INC.

September 17, 2013

A.M Peeler, Jr.
100 La Parita Road
Jourdanton, Tx 78026


Re: Postmine Land Use Change Consultation

Tract No's: 6554-57, 16, 16A, 4983, 4795, 4811, 3906-08, 3922-24 & J.Poitevent

Dear Mr Peeler,

San Miguel Electric Cooperative, Inc. (SMECI) has prepared this notice to inform you that a portion of your property within the above referenced tracts at the San Miguel Lignite Mine needs to be revised from a postmine land use of pastureland to an industrial commercial land use. This change is in result of the construction of oil/gas pad sites and their facilitating roadways. Once approved, these areas will be subject to performance standards developed by the Railroad Commission of Texas for industrial/commercial post mine land use. The areas that are proposed for this change are identified in red on the attached map.

Please sign below if you approve of the changes listed above.



Should you have any questions or require any further information, please feel free to call me at (830) 784-3408.



Cody Shelton

Reclamation Supervisor

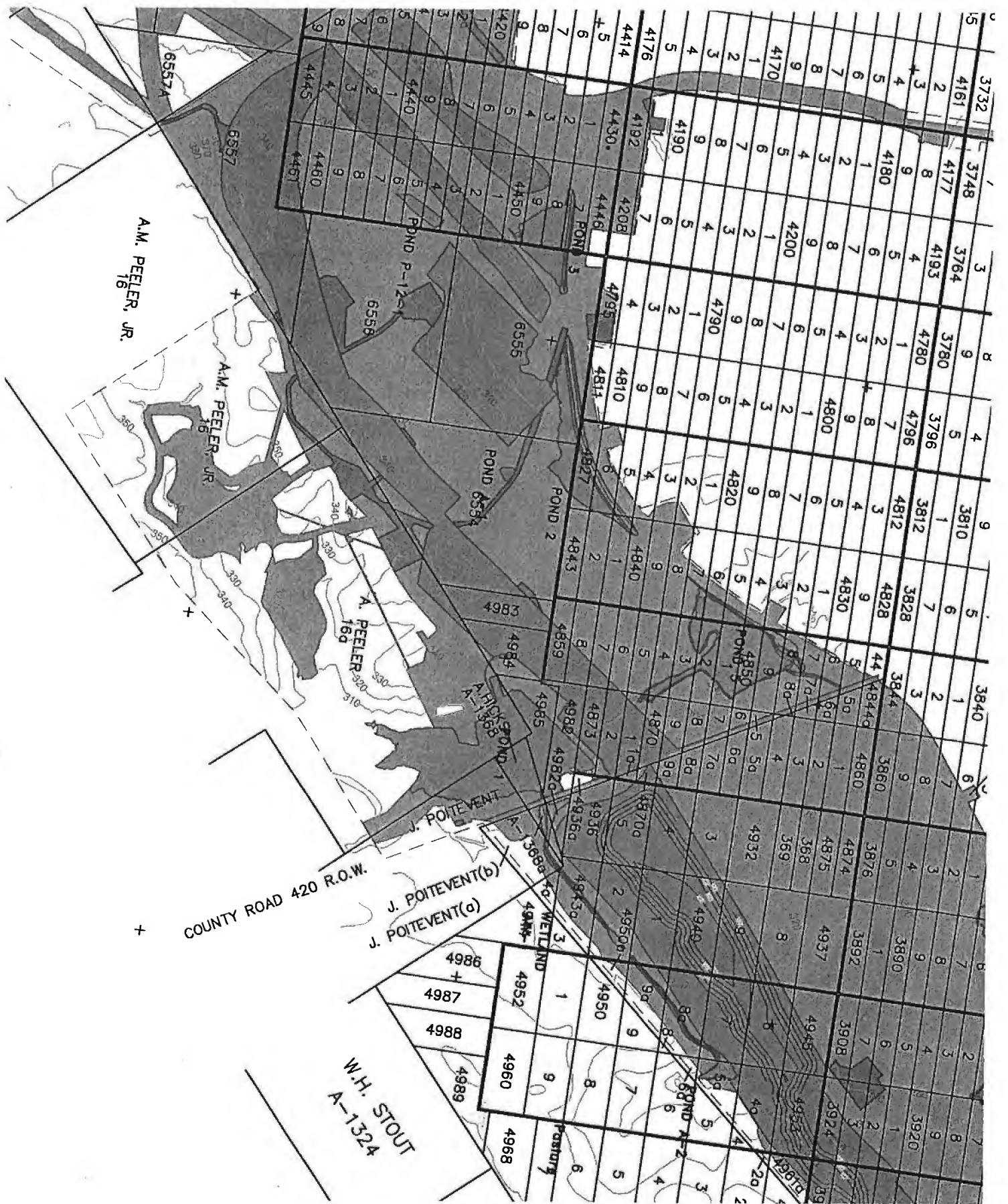
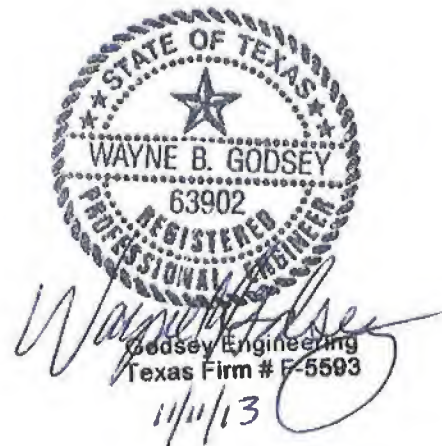


Table 147-1
Permit 11F Renewal/Revision
Comparison of Pre and Postmining Land Uses of Disturbed Land

<u>Land Use</u>	<u>Acres</u>	<u>Percent</u>	<u>Acres</u>	<u>Percent</u>
Grazingland	10,790	98.2	0	0.0
Pastureland	91	0.8	7,666	69.8
I/C	6	<0.1	2,877	26.2
DWR	90	0.8	435	4.0
Residential	<1	<0.1	0	0
Totals	10,978	100	10,978	100



OVERSIZED MAP PLACE MARKER